

REMARKS

In response to the election requirement, Applicants hereby elect Group I, Sup-group A: claims 1-18, with traverse. Claim 44 has been amended. No new matter has been included. Claims 1-77 remain pending in this application.

Applicants hereby elect Group I, Sub-group A, with traverse. The broad claims of Sub-group A, e.g., claim 1, define subject matter which is also included in claims 19-77 such that examination of the claims of Sub-group A will necessarily include a search and examination of subject matter included in the Sub-class B, and Groups II and III claims (i.e., claims 19-77). For example, claims 1 and 19 contain similar limitations. Claim 19 merely contains more specificity relating to the claimed invention. Claim 1 recites “[a] memory cell, comprising: a host material layer, said host material layer exhibiting zero field splitting and being configured to store data as an energy-absorbing state and a lesser-energy-absorbing state; and a first electrode and a second electrode, each being electrically coupled to said host material layer.” Claim 19 recites, *inter alia*, “[a] zero-field splitting memory device, comprising: a first electrode; a germanium selenide layer in contact with said first electrode, . . . metal ions incorporated into said germanium selenide layer, wherein said germanium selenide and said metal ions are configured to absorb a detectable amount of energy when said memory device is programmed to an energy-absorbing state; and a second electrode in contact with said germanium selenide layer.” Hence, claim 19 is simply specific as to the composite of the “host material,” recited in claim 1. Accordingly, no undue burden would be involved in examining all such claims together.

M.P.E.P. § 803 states that “if the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.” M.P.E.P.

§ 803 should apply in this case. The search of the elected claims (Sub-class A) will require searching in areas also pertinent to the subject matter of the non-elected species claims (i.e., Sub-class B, and Groups II and III). Thus, all claims of the application can be examined together "without serious burden." Applicants, therefore, respectfully request that the non-elected claims of Sub-class B, and Groups II and III be examined together with the elected claims.

Claim 44 stands objected to as being an improper dependent claim. Applicants have amended claim 44 to address the concern of the Office Action. Claim 44 now depends from independent claim 42. Therefore, Applicants respectfully request that the objection be reconsidered.

An action on the merits of all the claims and a Notice of Allowance thereof are respectfully requested.

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Respectfully submitted,

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